

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:  
VIRGINIA TRUE CORPORATION,

Chapter 11  
Case No. 19-42769 (NHL)

Debtor.  
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**ORDER APPROVING CONSENT DECREE BETWEEN THE DEBTOR,  
THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
AND THE STATE WATER CONTROL BOARD**

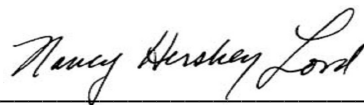
Upon the motion of Virginia True Corporation, the debtor and debtor-in-possession herein (the “Debtor”), filed on January 23, 2020, together with the exhibits annexed thereto [ECF Doc. No. 161] (the “Motion”), seeking the entry of an Order, pursuant to Rule 9019(a) of the Federal Rules of Bankruptcy Procedure, approving a certain Consent Decree between the Debtor, the Virginia Department of Environmental Quality and the State Water Control Board, in substantially the same form as attached to the Motion as *Exhibit “A”* (the “Consent Decree”); and due and sufficient notice of the Motion having been given pursuant to Fed. R. Bankr. P. 2002(a)(3) [ECF Doc. 163]; and that no other or further notice being required or necessary under the circumstances; and the Consent Decree having been revised (the “Final Consent Decree”); and upon the record of the hearings held in connection with the Motion, most recently on November 17, 2022, at which Douglas J. Pick, Esq. & Eric Zabicki, Esq. (Counsel to Debtor), Katherine Kulbok, Esq. (Virginia State A.G. representing DEP); Nazar Khodorovsky, Esq. (Office of the United States Trustee); Joseph Pack, Esq. & Jessey Krehl, Esq. (Counsel to Diatomite), Steven H. Dohan (principal of Diatomite), Avrum Rosen, Esq. (Co-Counsel to Anthony Cipollone & Domenick Cipollone), Alison R. Ellis, Esq. (Virginia Counsel to Debtor), Lily G. Engle, Esq. (Counsel to Conservation Fund), Bruce W. Henry, Esq. (Counsel to The Conservation Fund), Joshua Olshin (Auction Advisors), Robert A. Rich, Esq. (Counsel to Robert

C. Smith, PLLC), Harold Somer, Esq. (Counsel to Pan American Claim Investors and Fones Cliffs Development LLC) appeared; and the objection of Diatomite Corporation of America to the Motion filed on March 10, 2020 [ECF Doc. No. 190] having been withdrawn at the hearing; and upon the record of this case, which is incorporated herein by reference; and after due deliberation thereon and sufficient cause appearing therefor; it is hereby

**ORDERED**, that, pursuant Rule 9019(a) of the Federal Rules of Bankruptcy Procedure, the Final Consent Decree annexed hereto as *Exhibit "A"* is approved upon the terms set forth therein.

Dated: November 18, 2022  
Brooklyn, New York



  
Nancy Hershey Lord  
United States Bankruptcy Judge